

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

**IN RE NEO WIRELESS, LLC
PATENT LITIG.**

2:22-MD-03034-TGB

HON. TERRENCE G. BERG

**ORDER APPOINTING
TECHNICAL ADVISOR**

On September 16, 2022, the parties participated in a scheduling conference and jointly proposed Scott E. Woloson, Esq. to be appointed as technical advisor in this multidistrict patent infringement litigation. Pursuant to Rule 53 of the Federal Rules of Civil Procedure, and the Court's inherent authority, the Court orders as follows:

1. Scott E. Woloson is hereby appointed as technical advisor in this matter. Considering his appropriate background and qualifications, and in view of the parties' agreement, the Court is satisfied that Mr. Woloson's appointment pursuant to the terms of this Order would assist the Court in this complex patent case. Mr. Woloson's contact information is as follows:

Mr. Scott Woloson
Law Office of Scott Woloson
1431 Wirt Road #141
Houston, TX 77055
Phone: 281-352-9878
E-mail: scott@scottwolosonlaw.com

2. The parties shall send courtesy copies of any motions, briefs, exhibits and technology tutorials when such documents are filed on the docket, in PDF form, to the email address above. If requested by Mr. Woloson, the parties shall send courtesy copies of any motions, briefs, exhibits and technology tutorials in paper form, double-sided, in a three-ring binder, with tabbed exhibits to the address above. If the document was filed with the Court, the copy must include the CM/ECF header.

3. As technical advisor, Mr. Woloson shall act as a confidential advisor to the Court with regard to matters requiring technical expertise. Mr. Woloson will assist the Court with technical issues related to any motions, such as motions for summary judgment, Daubert motions, and claim construction. Mr. Woloson may also assist the Court at trial and with post-trial motions. Because a technical advisor serves essentially as a law clerk to the Court and will be familiar with technical issues in this case, Mr. Woloson may also assist the Court in drafting orders. In addition, the Court may direct Mr. Woloson to meet and confer with the parties in an effort to resolve any dispute or motion without formal adjudication, and to facilitate settlement of the litigation. Mr. Woloson may also serve as mediator to the extent the parties agree to use him in that capacity. Mr. Woloson shall have no power to issue any order or make any binding decision.

4. Taking into account all of the factors and requirements set forth in Rule 53(g), the Court finds that an appropriate rate of

compensation for Mr. Woloson is \$475 per hour and reimbursement for reasonable and necessary expenses.¹ One-half of Mr. Woloson's fees and expenses shall be paid by Plaintiff, and one-half shall be paid by Defendants, subject to eventual shifting if the Court finds that to be appropriate. Mr. Woloson will provide timely bills for all fees and expenses to counsel for the parties monthly, and counsel shall take responsibility for prompt payment by their respective clients within 45 days of receiving each invoice. Any dispute regarding Mr. Woloson's fees and expenses shall be resolved by the Court.

5. The Court is authorized to have ex parte communications with Mr. Woloson orally and in writing. All such communications shall be confidential and not subject to disclosure or discovery. Counsel for the parties shall not have ex parte communications about the merits of any matter with Mr. Woloson, unless as part of settlement discussions or as part of discussions to narrow the disputed issues related to a motion or hearing.

SO ORDERED this 13th day of October, 2022.

BY THE COURT:

/s/Terrence G. Berg

TERRENCE G. BERG

United States District Judge

¹ Mr. Woloson has informed the Court that, as of October 2021, this is the customary hourly rate for his services.